



**Reform of Vocational
Education (RoVE)**

Construction and Infrastructure Workforce Development Council

Kaunihera Whakawhanake Ohu Mahi

Order in Council proposals

Consultation background document

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Te Pānui - How to read this document

The purpose of this document is to:

- Support the ‘Consultation proposal document’, which sets out the Order in Council proposals; and
- Provide readers with the detailed background information to understand how the Order in Council proposals were developed.

How the Order in Council proposals were developed

Construction and Infrastructure Workforce Development Council

Proposed name* : *Waihanga Ara Rau Construction and Infrastructure Workforce Development Council*

For more information about the Construction and Infrastructure Workforce Development Council, please visit the TEC website:

<https://www.tec.govt.nz/rove/workforce-development-councils/construction-and-infrastructure-wdc-ieb/>

* Please note this is a proposed name, and that it is subject to the current consultation. As a result, in the consultation proposal document and the consultation background document, we refer to Construction and Infrastructure Workforce Development Council.

Appointing the Construction and Infrastructure WDC interim Establishment Board

The Construction and Infrastructure WDC interim Establishment Board (subsequently in this document referred to as “C&I iEB” for short) is one of six interim Establishment Boards appointed by the Tertiary Education Commission (TEC) in June 2020 following an Expression of Interest process.

For more information about the make up of the C&I iEB, please visit the Construction and Infrastructure WDC page on the TEC website and click on ‘*interim Establishment Board members*’.

Developing and engaging on the draft Order in Council proposals

Following its appointment, the C&I iEB developed its draft Order in Council proposals, which included a proposed name, coverage area and governance arrangements.

As part of the Order in Council development process, the iEB engaged with its industries, to test and seek initial feedback on its draft proposals, and to start building connections across the new WDC industry groupings. The C&I iEB carried out its engagement in September-October 2020, via several channels:

Table 1 Overview of engagement channels

Channel	Description	Participation
Webinars	Two webinars were organised (on 8 and 18 September 2020), which included a briefing on the key elements of the draft Order in Council proposals and the	56 participants

	facilitation of breakout groups to gather feedback on the proposals.	
Online feedback form	An online feedback form, which requested feedback from participants on the key elements of the draft Order in Council.	13 responses
Direct engagement by iEB members	Direct engagement by iEB members with stakeholders through meetings, including one-on-one and sector meetings.	23 engagements
Written submissions	Written submissions via email.	3 submissions

The C&I iEB also engaged with industry stakeholders on the Order in Council proposals via email, and via one or more of the Transitional ITOs.

In addition to the targeted industry engagement undertaken by each iEB during the engagement period, the iEBs, the Kāhui Ahumahi (made up of the Māori members across the six iEBs) and government officials are also engaging with Māori industry bodies, and Māori and iwi groups on the Order in Council proposals, as a part of the wider RoVE programme.

Incorporating feedback and preparing the Order in Council proposals for consultation

Following the engagement period, the C&I iEB incorporated the feedback it received during its engagement, and worked closely with government officials from the Tertiary Education Commission and the Ministry of Education to prepare the Order in Council proposals for consultation. The iEBs and officials aimed to ensure the Order in Council proposals are drafted in a manner that reflects the intent of the iEB and its industries, and are appropriately framed for consultation and subsequent legal drafting. As part of this exercise;

- some provisions in the proposals were clarified and/or refined.
- the preamble was transformed into a purpose statement, with corresponding accountability arrangements, which captured the intent of the preamble but also fit into the Order in Council framework.
- iEBs and officials explored how the Orders in Council could honour te Tiriti o Waitangi, in accordance with section 4 of the Education and Training Act 2020. All six iEBs adopted a proposed framework in their Orders in Council as part of their purpose statements to honour te Tiriti o Waitangi. Each iEB also considered other provisions to this effect, and included the provisions they thought were appropriate for their respective WDC and for the industries within its coverage area. Examples include provisions with regard to council composition, co-chair arrangements, industry stakeholder mechanisms, appointment of council members. In addition, the TEC will consider funding and monitoring mechanisms that would require WDCs to honour te Tiriti o Waitangi.
- some provisions in the proposals (such as some of the story behind the name of the WDC, the establishment plan and aspects of the preamble) were identified that could not be included in an Order in Council, but could be used in other governance or strategy documents of the WDC, e.g. a constitutional document, a vision statement, etc.

The redrafting and refining of proposals is part of the normal process for drafting legislation, and will continue throughout the Order in Council process, until the Orders in Council are finalised and signed into law.

The table below provides a high-level overview of the feedback received by the C&I iEB during its engagement activities, and how this feedback shaped its Order in Council proposals. It also outlines changes that were introduced to the Order in Council proposals during the redrafting and refining process.

Table 2 High-level overview of engagement feedback

Topic	Feedback received during engagement	How the feedback was incorporated
Purpose statement / preamble	<p>The C&I iEB proposed two preambles:</p> <ul style="list-style-type: none"> - one preamble specific to Construction and Infrastructure WDC; and - one preamble common to all WDCs. <p>Participants preferred the preamble that was specific to the Construction and Infrastructure WDC, given the specific context of the relevant industries.</p>	<p>The iEB took much of the language from the preamble and transformed it into a purpose statement which captured the intent of the preamble but also fit into the Order in Council framework.</p> <p>Accountability mechanisms were added during the drafting process to support the intention of the purpose statement, and to support consistency across WDCs.</p>
	<p>Extraneous information in the preamble that was not directly tied to the training and workforce development of the relevant industries covered by the Construction and Infrastructure WDC should be removed.</p>	<p>The iEB focused the aspirational statements in the purpose statement on matters most directly related to industry development and learner success, noting the important of te Tiriti o Waitangi in the context of the primary legislation.</p>
WDC legal name	<p>There was a general consensus in favour of the bilingual name proposed.</p>	<p>The iEB adopted the proposed bilingual (te reo Māori and English) name: <i>Waihanga Ara Rau Construction and Infrastructure Workforce Development Council</i></p>
Coverage	<p>The coverage of the WDC was broadly appropriate.</p>	<p>The iEB agreed the coverage, with exceptions as noted below.</p>
	<p>Engineering in all forms should be incorporated into the coverage of the Manufacturing, Engineering and Logistics WDC.</p>	<p>The iEB considered that coherence of the construction and infrastructure industries required integration of civil engineering but specific provisions were made to encourage coordination with other WDCs as appropriate.</p>
	<p>The “Wall frames and roof truss manufacturing” industry should be covered by the Construction and Infrastructure WDC.</p>	<p>Coverage for this industry was transferred to the Construction and Infrastructure WDC from the Manufacturing, Engineering and Logistics WDC.</p>
	<p>The “Security systems installation and repair” industry should be covered by the Construction and Infrastructure WDC.</p>	<p>Coverage for this industry was transferred to the Construction and Infrastructure WDC from the Manufacturing, Engineering and Logistics WDC.</p>

Topic	Feedback received during engagement	How the feedback was incorporated
	The “Landscape construction services” industry should be covered by the Primary Industries WDC, as this would offer more coherence for the industry given the related coverage of horticulture.	Coverage for this industry was transferred to the Primary Industries WDC from the Construction and Infrastructure WDC.
	“Facilities management” should fall within the coverage of Construction and Infrastructure WDC.	The iEB noted that there was no encompassing ANZSIC code for the industry but that the relevant business activities fall within the scope of ANZSIC codes covered by the Construction and Infrastructure WDC, such as house, residential and non-residential construction, and carpentry, tiling and carpeting and glazing services.
Partnership with Māori	The proposed provisions relating to representation of Māori involved in the Construction and Infrastructure WDC were appropriate given the obligations with regard to te Tiriti o Waitangi and the composition of the industries’ workforce (see also Council composition).	The iEB adopted and strengthened the proposed provision for Māori members of the WDC council.
	Appointments on the basis of ethnic identity or diversity were antithetical to an industry-led body with a skills-based council.	The iEB noted the requirements for council members as a whole anticipated a range of skills among members. It also noted strong representation of Māori on the council to give effect to the Māori-Crown partnership and offered the potential to access valuable skills and experiences.
Appointments	Feedback from participants indicated that continuity of council members should be enabled as an aid to continuity and stability.	The iEB adopted the provisions to ensure staggered tenure.
	The Minister of Education should not make appointments to an industry-led body.	The iEB adopted a process whereby an independent selection committee would make appointments.
Council composition	The proposal for co-chairs was welcomed, as it offers a more collaborative leadership model.	The iEB adopted the provision for co-chairs, with the addition of a clause requiring the chairs to have a demonstrable commitment to working together.
	The proposal for co-chairs was thought to be impractical and inconsistent with good leadership practice.	

Topic	Feedback received during engagement	How the feedback was incorporated
	The requirements for council members should not be unduly prescriptive.	The iEB adopted requirements for council members at the level of the council as a whole to aid flexibility.
	The number of members appeared sufficient to provide scope to meet the skills mix identified in the proposal.	The iEB adopted the number of members as set out in the proposal.
Representation of Māori employers	There were mixed views about the provision for the representation of Māori employers.	The iEB noted the legislative requirement for representation of Māori employers.
Collective representation	There were no widely-held objections to these provisions.	The iEB noted the legislative requirement for collective representation.
Additional functions	Not applicable – the C&I iEB did not specify any additional functions in its draft proposals.	Not applicable.
Advisory group mechanisms	The council needed to actively monitor the performance of the advisory groups.	The iEB adopted provisions to provide for industry to be able to escalate any concerns and provide for regular interaction with the council.
	There should be an engagement model that was inclusive of the wide range of industries covered by the WDC.	The iEB adopted provisions signalling the importance of taking into account the needs of the individual industries and specialist areas within the coverage of the WDC.